

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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MICHAEL EUGENE WILLIAMS,

Plaintiff-Appellant,

v

CHARLES THOMAS LASATA,

Defendant-Appellee.

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UNPUBLISHED

January 23, 2014

No. 313090

Berrien Circuit Court

LC No. 2012-000001-CZ

Before: SERVITTO, P.J., and MURRAY and BOONSTRA, JJ.

PER CURIAM.

In this tort claim for damages, plaintiff Michael Eugene Williams filed suit against defendant Judge Charles Thomas Lasata. Williams previously pleaded guilty and was subsequently convicted in Judge Lasata's courtroom for use of marijuana, and his claims in the instant case relate to that proceeding. On October 9, 2012, Judge Margaret Zuzich Bakker<sup>1</sup> granted Judge Lasata's motion for summary disposition pursuant to MCR 2.116(C)(7) and (C)(8). Plaintiff appeals as of right. We affirm.

**I. BACKGROUND**

On May 22, 2006, plaintiff was arrested and charged with possession of marijuana. On June 19, 2006, plaintiff appeared before Judge Lasata of the Berrien Circuit Court for arraignment. Judge Lasata informed plaintiff that the prosecutor had offered plaintiff a plea agreement, specifically plaintiff could plead guilty to use of marijuana, and the prosecutor would drop the possession charge. Plaintiff indicated that he was willing to waive his rights and plead guilty to use of marijuana. Plaintiff never attempted to appeal his guilty plea with this Court.

The subsequent suspension of plaintiff's driver's license apparently caused plaintiff to lose his job as a truck driver, and plaintiff filed the instant suit alleging that Judge Lasata had acted improperly when he accepted plaintiff's guilty plea. More specifically, plaintiff alleged that the criminal complaint against him was insufficient, that Judge Lasata had failed to establish

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<sup>1</sup> Judge Bakker is a judge of the Allegan Circuit Court on assignment for this case to the Berrien Circuit Court.

an adequate factual scenario to accept the plea, and that Judge Lasata had violated several of plaintiff's constitutional rights.

Judge Lasata eventually moved the trial court to grant him summary disposition pursuant to MCR 2.116(C)(7) and (C)(8). The trial court concluded that Judge Lasata was entitled to absolute immunity pursuant to MCL 691.1407(5), and granted the motion under MCR 2.116(C)(7). The trial court also granted the motion for summary disposition pursuant to MCR 2.116(C)(8). Plaintiff now appeals.

## II. ANALYSIS

A trial court's decision on a motion for summary disposition is reviewed de novo. *Jimkoski v Shupe*, 282 Mich App 1, 4; 763 NW2d 1 (2008). "A trial court may grant a motion for summary disposition under MCR 2.116(C)(7) on the ground that a claim is barred because of immunity granted by law." *McLean v McElhaney*, 289 Mich App 592, 597; 798 NW2d 29 (2010). "We consider all documentary evidence submitted by the parties, accepting as true the contents of the complaint unless affidavits or other appropriate documents specifically contradict them." *Fane v Detroit Library Comm*, 465 Mich 68, 74; 631 NW2d 678 (2001), citing MCR 2.116(G)(5). For purposes of MCR 2.116(C)(7), this Court must consider the provided documentary evidence in a light most favorable to the nonmoving party. *Moraccini v Sterling Heights*, 296 Mich App 387, 391; 822 NW2d 799 (2012).

Although plaintiff argues that Judge Lasata allegedly committed error in accepting plaintiff's plea, Judge Lasata was still acting within the scope of his authority as a judicial officer, and not entitled to absolute judicial immunity. MCL 691.1407(5) states that "[a] judge . . . [is] immune from tort liability for injuries to persons or damages to property if he or she is acting within the scope of his or her judicial . . . authority." When statutory language is clear and unambiguous, it must be enforced as written. *Petipren v Jaskowski*, 494 Mich 190, 201-202; 833 NW2d 247 (2013). "To qualify for absolute immunity from tort liability an individual governmental employee must prove his or her entitlement to immunity by establishing, consistently with the statute's plain language, (1) that he or she is a judge . . . and (2) that he or she acted within the scope of his or her judicial . . . authority." *Id.* at 204.

We have no doubt, and it is undisputed that, Judge Lasata is a judge within the meaning of MCL 691.1407(5). Therefore, the only question is whether Judge Lasata was acting within his authority when he accepted plaintiff's guilty plea. We also have no qualms in holding that accepting a guilty plea is well within the scope of judicial authority. See MCL 768.35 and MCR 6.302. Therefore, even assuming, arguendo, that Judge Lasata committed error when he accepted plaintiff's guilty plea, such error would not strip Judge Lasata of his absolute immunity. Therefore, because Judge Lasata is protected by absolute immunity, the trial court properly

granted Judge Lasata's motion for summary disposition pursuant to MCR 2.116(C)(7) and dismissed plaintiff's claims.<sup>2</sup>

Affirmed.

/s/ Deborah A. Servitto  
/s/ Christopher M. Murray  
/s/ Mark T. Boonstra

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<sup>2</sup> Because the trial court properly granted summary disposition to Judge Lasata under MCR 2.116(C)(7), we need not consider any alternate ground under MCR 2.116(C)(8).